

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1323 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JAYESH NATWARLAL BHAVSAR

Versus

INDUSTRIES COMMISSIONER

Appearance:

MR SHALIN MEHTA for Petitioner

AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/02/98

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioner, by this Special Civil Application challenges the action of the respondents in terminating his services with effect from 29.1.86. This challenge has been made on the ground that this termination is in contravention of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further prayer has been

made by the petitioner to direct the respondents to treat the petitioner as continued in employment without any break and to grant him all the consequential benefits following therefrom.

3. From the annexure 'A', I find that from 23rd August 1984 to 21st January 1986, the petitioner has been given fixed term temporary appointments for the days varying from 6 to 29. The last appointment was given vide order dated 21.1.86 for the period from 1.1.86 to 29.1.86. So it is a case of fixed term temporary appointment given to the petitioner by the respondents and such appointment does not confer any right of permanency or any right of regularization in favour of the petitioner. These are stop-gap arrangements made at the time when the work is available and by afflux of time, such appointments come to an end. In such matters, even the order of termination of services of an employee need not be passed. It is a termination by afflux of time. This matter is squarely covered by the decision of this Court in the case of Bhanmati Tapubhai Muliya v. State of Gujarat, reported in 1995(2) GLH 228. None of the legal and fundamental rights of the petitioner are being infringed and no interference by this Court is called for in the matter.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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(sunil)